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Richard Esty Peterson, Patent Attorney 537 Valley Street San Francisco, CA 94131				
EXAMINER				
REDDY, SUNITA				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/590,094

**Applicant(s)**

MCGREGOR ET AL.

**Examiner**

SUNITA REDDY

**Art Unit**

2491

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/17/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-945)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This Office Action is in response to Applicant's Amendment filed on 01/03/2011 regarding Application 10/590094 in which claims 1-3, 5-7 and 10-14 are amended while Claims 4, 8 and 9 are as originally presented; as a result, claims 1-14 are now pending in this application.

### **Response to Arguments**

2. Arguments to Rejections Based On Prior Art presented in Applicant's Amendment dated 01/03/2011 where Applicants' remarks inter alia that:

With regard to the amendments to the claims, the independent claims now define a USIM Internet Model as described in the published specification Para. 0095-0119. In this embodiment, the Internet in its broadest interpretation is wide open to the terminal because the access limitations and the account management are within the USIM. Since access to the account information in the USIM is controlled by the pre-set account management protocols in the USIM, accounting events can be captured and recorded real-time in the USIM program (See, Para. 0118). In Lu et al., Pat. No. 6,694,134 (Lu) the operation and apparatus claimed by applicants in the pending application are not present. It is respectfully requested that the Examiner reexamine the application, as amended, and allow the application. In Zhu, Pat. Pub. US 2003/0014659 (Zhu) the system does describe the proxy for controlling access according to content.

Applicant's arguments with respect to the above newly added claim limitations have been fully considered but are moot in view of new grounds of rejection which were necessitated by the Applicants' amendments. Please see detailed analysis of the above newly added claim limitation below explaining how Lu, Zhu and Hamalainen (PUB. No.: US 2006/0236092 A1) as a whole suggests or teaches the newly added claim limitations all of which was rejected under 35 U.S.C. 103(a) as being unpatentable.

### **Claim Objections**

3. With respect to device Claim 11, the phrase "capable of" in the claim in Lines 4-5 does not construe as a limitation to the claim according to MPEP 2111.04 which states that claim scope is not limited by claim language that suggests or makes optional but does not require steps

to be performed, or by claim language that does not limit a claim to a particular structure. Here, the phrase "capable of" is followed by claim limitations geared toward the function or intended use of the structure. Note that using "capable of" doesn't mean the structure actually performs that function. The Examiner suggests deleting the phrase "capable of," or changing it to a well-defined functional transitional phrase (See MPEP 2111.04). In the apparatus claim the Applicant MUST distinguish Applicant's invention from the prior art based on the structure, not the function it is configured to possibly do. See *Hewlett-Packard Co. v. Bausch & Lomb Inc.*, 909 F.2d 1464, 1469 (Fed. Cir. 1990).

#### **Claim Rejections - 35 U.S.C. § 103(a)**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (See MPEP Ch. 2141)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

5. Claims 1-11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lu et al. (Pat. No.: US 6694134 B1, hereinafter referred to as "Lu") in view of Zhu et al. (Pub. No.: US 2003/0014659 A1, hereinafter referred to as "Zhu") and further in view of Hamalainen (PG PUB. No.: US 2006/0236092 A1, hereinafter referred to as "Hamalainen").

**As per independent Claim 1**, Lu discloses a method for open Internet security for mobile wireless devices (Lu, Col. 1 Lines 13-20, Col. 3 Lines 33-42 and Col. 9 Lines 10-30) comprising the steps of:

providing a mobile wireless device with capabilities, including the capability to connect to the open Internet via a wireless communication network (Lu, FIG.1, Col. 3 Lines 33-55, Col. 9 Lines 30-39; “enabling a user of the information processing device to simultaneously engage in voice communication with a terminal coupled to the public network, and data communication with a terminal coupled to the IP network.”)

at least in part controlled by a wireless network service provider (Lu, Col. 8 Lines 34-57);

providing the mobile wireless device with a USIM controlled by the wireless service provider, wherein the USIM is programmed to selectively enable certain capabilities of the mobile wireless device and control access to the open Internet (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39; identifiers include algorithms and a key to support authentication and encryption necessary to facilitate communication with the public network or private cellular network, thereby selectively controlling access to the internet. Further, Lu, Col. 8 Lines 5-25; USIM and “presence of identifiers necessary to facilitate communication with the public network or private cellular network”); and,

USIM providing for account management that has access control and transactional analysis (First, the Examiner interprets the claim limitation “account management” in light of Applicants’ disclosure on Page 15 of Specification in Para. [0002] i.e. “In the detailed...the Internet” to mean “subscriber account management for Internet access that utilize USIM provided with a registry of permitted and prohibited Internet sites and an account register for

calculating and recording any charges made for the media accessed.” Second, Lu in FIG. 1 and Col. 8 Lines 5-25 among others discloses information processing device such as PDA further includes a card holder/reader with one or more GSM-type SIM cards or 3G-type universal SIM (SIM) cards held in the card holder/reader with each SIM having an algorithm and a key to support authentication and encryption necessary to enable or facilitate communication with the public network, the private cellular network and/or the PBX. Each SIM or SIM card has stored therein subscriber identification and security information for one or more user profiles. Here, the applied art disclosed “SIM stored subscriber identification information and security information for one or more user profiles, SIM stored algorithm and key to support authentication and encryption necessary to enable or facilitate communication with the public network in the SIM” is representative of USIM providing for account management that has access as claimed. Third, Lu in Col. 8 Lines 65 up to Col. 9 Lines 10 discloses providing a single information processing device such as a PDA with multiple different user profiles that can be selected by a user for record or billing purposes. Here, since, the SIM-stored multiple different user profiles can be used for record or billing purposes, Lu also discloses USIM providing for account management that has access control and transactional analysis)

Lu does not disclose:

providing an applet in the USIM, and wherein accounting events are captured and recorded in real-time in mobile wireless device.

However, Zhu discloses:

wherein accounting events are captured and recorded in real-time in mobile wireless device (First, Zhu, in Para. [0018-0020] among others discloses service provider controlled

filters installed in end-user's data processing equipment such as a mobile phone with web browsing capability. Second, in Para. [0030], Zhu discloses service provider controlled filters that relate to ISP provided different content packages charged different prices such that a particular package may be characterized by a quality of service (e.g., color vs. black/white, or higher resolution vs. lower resolution), access to specific semantic content or to Web sites that ordinarily attract high traffic. The user's filtering criteria can then be used to tailor an access package for this specific user. The filtering or the layered access is then a tool for the ISP in order to control, at least to some extent, the data traffic to and from the terminals of the subscribers...The ISP can therefore offer access to Web sites based on filtering criteria for a lower fee. Thus, Zhu also discloses mobile phone installed system for real-time account management that has access control and transactional analysis. Lastly, in Para. [0034] among others discloses dynamic real-time capture and recording of accounting events using heuristics or other rule-based methods to programmatically modify the filtering database by for example creating and/or modifying entries in the URL filtering database using the user's actual, browsing history such that search request results or other links are congruent with the user's other URL link filtering patterns. Since, in order for an ISP to use the user's filtering criteria to tailor an access package for the specific user, the filtering rules would need to capture and record accounting events such as charges/prices for the different packages of media accessed and in the embodiment as disclosed in Para. [0034] dynamically, Zhu discloses capturing and recording accounting events dynamically and in real-time in a mobile device).

Therefore, a PHOSITA (Person Having Ordinary Skill in the Art) at the time of the invention would have found it obvious to modify the system of providing subscriber access

control and subscriber account information in a mobile device SIM/USIM controlled by a service provider (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39) as taught by Lu using a system that enables an ISP to use subscriber's filtering criteria to tailor an access package for this specific user based on filter rules installed in a mobile (Zhu, Para. [0018-0020], and Para. [0030]) as taught by Zhu from the combined teachings of Lu and Zhu as a whole.

A reasonable and rational motivation would be to successfully derive a system that enables flexible, self-administering filtering scheme to managing users (Zhu, [0011]).

The combination of Lu and Zhu as a whole does not explicitly disclose:

providing an applet in the USIM.

However, Hamalainen discloses:

providing an applet in the USIM and programmed USIM (Hamalainen, Para.[0006] and Para.[0008] discloses programming a SIM/USIM using Java applets on SIM/USIM card such as banking application and other security applications)

Therefore, a PHOSITA at the time of the invention would have found it obvious to modify the system of providing subscriber access control and subscriber account information in a mobile device SIM/USIM controlled by a service provider (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39) using a system that enables an ISP to use subscriber's filtering criteria to tailor an access package for this specific user based on filter rules installed in a mobile (Zhu, Para. [0018-0020], and Para.[0030]) as taught by the combination of Lu and Zhu as a whole using a system that utilizes interoperable Java applet applications on SIM card of mobile terminal (Hamalainen, Para. [0008]) as taught by Hamalainen from the combined teachings of Lu, Zhu and Hamalainen as a whole.



A reasonable and rational motivation would be to successfully derive a system that facilitates security of SIM card applications on mobile terminal (Hamalainen, Para. [0005]).

**As per Claim 2**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

wherein the control of access to the open Internet is regulated by the USIM according to predetermined criteria (Zhu, Para. [0029] discloses “managing user can additionally select from a predetermined set of link filters to be associated with each URL in the URL filtering database on a per user basis. As used herein, “link filters” comprise permissions for functions that either allow or deny access to a source of content such as the gateway 112 of online service provider and associated servers and/or transform or interpret data transferred from the source of content 102 for a browser”. Further, Lu in Col. 8 Lines 20-25 and 55-58; USIM card. Thus, the combination of applied prior art as a whole discloses the claimed subject-matter.).

**As per Claim 3**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

wherein the predetermined criteria restricts access to a list of approved open Internet web sites (Zhu, Para. [0029]).

**As per Claim 4**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

wherein the predetermined criteria restricts access to a list of approved web pages (Zhu, Para. [0016] and Para. [0029]).

**As per Claim 5**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

wherein the predetermined criteria restricts access to approved open Internet services (Zhu, Para. [0029]).

**As per Claim 6**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

wherein the predetermined criteria restricts access to approved open Internet products (Zhu, Para. [0029-0030]).

**As per Claim 7**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

providing an intermediate proxy service between open Internet content, service and product providers (Zhu, Para. [0018] and Para. [0022]; “proxy”)

that qualifies the content of the transmissions of the open Internet content, service and product providers to the subscribers of the wireless network service providers and stamps the content of the transmission with a content identifier (Zhu, Para.[0023]);

categorizing the content identifiers into different classes (Zhu, Para. [0018] and Para. [0023] and Para. [0025]; “filters and takes appropriate action”); and,

programming the USIM device of a subscriber to allow access to only predetermined classes (Zhu, Para. [0030]; “selectively disabling or enabling access to the content in respective scenarios”. Furthermore, Lu in Col. 8 Lines 20-25 and 55-58 discloses USIM card).

**As per Claim 8**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

the content identifiers are categorized in different levels and wherein the USIM of the subscriber allows access to selected levels according to a subscriber plan (Zhu in Para. [0030] discloses “The ISP may provide access to different packages of content at different prices. A particular package may be characterized by a quality of service (e.g., color vs. black/white, or higher resolution vs. lower resolution), access to specific semantic content or to Web sites that ordinarily attract high traffic. The user's filtering criteria can then be used to tailor an access package for this specific user. The filtering or the layered access is then a tool for the ISP in order to control, at least to some extent, the data traffic to and from the terminals of the subscribers.” Furthermore, Lu in Col. 8 Lines 20-25 and 55-58 discloses USIM card).

**As per Claim 9**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

the charges for different levels are different and the access to selected levels is provided according to the level of service provided in the subscriber plan (Zhu, Para. [0019] and Para. [0030]; “ISP may provide access to different packages of content at different process. A particular package may be characterized by a quality of service”).

**As per Claim 10**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

analyzing the transaction events for a selected subscriber USIM and accounting for transmissions allowed to the subscriber by the applet in the subscriber's USIM (First, Zhu, in Para. [0019] and Para.[0030] discloses "the service provider or network operator can affect the network load by charging the individual user an increased fee dependent on the time of the day or the frequency of access. On the other hand, the access criteria may be specified by the user or by the person whose account is going to be charged for the data services." Furthermore, Lu in Col. 8 Lines 20-25 and 55-58 discloses USIM card. Lastly, USIM applet in the subscriber's USIM is disclosed in Hamalainen in Para. [0006] and Para. [0008]. Thus, the combination of applied art as a whole discloses the claimed subject-matter).

**As per independent Claim 11**, Lu discloses a mobile wireless device (Lu, Col. 1 Lines 15-20),

operable in a wireless communication network (Lu, Col. 2 Lines 40-43)

at least in part controlled by a wireless network service provider that provides wireless network services to subscribers (Lu, Col. 3 Lines 50-55), comprising:

a mobile wireless terminal having electronics capable of communicating in the wireless communication network (Lu, Col. 7 Lines 19-43; WLAN) and

capable of connecting to the open Internet (Lu, Col. 3 Lines 505-55; "IP network"); and,

a removable circuit card installable in the mobile wireless terminal, the removable circuit card comprising a USIM being controlled by the wireless network service provider (Col. 8 Lines 20-25 and 46-58),

wherein the removable circuit card is provided to a subscriber of the service provider (Lu, Col. 8 Lines 5-25; USIM card) and

defines the subscriber's access to the service provider's wireless communication network and to the open Internet through the service provider's wireless communication when the circuit card is installed in the mobile wireless terminal (Lu, Col. 8 Lines 25-57; USIM card, identifier or virtual identifier necessary to facilitate communication with public network or private cellular network) and

USIM for account management that has access control and transactional analysis (First, the Examiner interprets the claim limitation "account management" in light of Applicants' disclosure on Page 15 of Specification in Para. [0002] i.e. "In the detailed...the Internet" to mean "subscriber account management for Internet access that utilize USIM provided with a registry of permitted and prohibited Internet sites and an account register for calculating and recording any charges made for the media accessed." Second, Lu in FIG. 1 and Col. 8 Lines 5-25 among others discloses information processing device such as PDA further includes a card holder/reader with one or more GSM-type SIM cards or 3G-type universal SIM (SIM) cards held in the card holder/reader with each SIM having an algorithm and a key to support authentication and encryption necessary to enable or facilitate communication with the public network, the private cellular network and/or the PBX. Each SIM or SIM card has stored therein subscriber identification and security information for one or more user profiles. Here, the applied art

disclosed “SIM stored subscriber identification information and security information for one or more user profiles, SIM stored algorithm and key to support authentication and encryption necessary to enable or facilitate communication with the public network in the SIM” is representative of USIM providing for account management that has access as claimed. Third, Lu in Col. 8 Lines 65 up to Col. 9 Lines 10 discloses providing a single information processing device such as a PDA with multiple different user profiles that can be selected by a user for record or billing purposes. Here, since, the SIM-stored multiple different user profiles can be used for record or billing purposes, Lu also discloses USIM for account management that has access control and transactional analysis)

Lu does not disclose:

includes an applet in the USIM and wherein accounting events are captured and recorded in real-time in mobile wireless device by application.

However, Zhu discloses:

wherein accounting events are captured and recorded in real-time in mobile wireless device by application (First, Zhu, in Para.[0018-0020] among others discloses service provider controlled filters installed in end-user's data processing equipment such as a mobile phone with web browsing capability. Second, in Para. [0030], Zhu discloses service provider controlled filters that relate to ISP provided different content packages charged different prices such that a particular package may be characterized by a quality of service (e.g., color vs. black/white, or higher resolution vs. lower resolution), access to specific semantic content or to Web sites that ordinarily attract high traffic. The user's filtering criteria can then be used to tailor an access package for this specific user. The filtering or the layered access is then a tool for the ISP in

order to control, at least to some extent, the data traffic to and from the terminals of the subscribers...The ISP can therefore offer access to Web sites based on filtering criteria for a lower fee. Thus, Zhu also discloses mobile phone installed system for real-time account management that has access control and transactional analysis. Lastly, in Para. [0034] among others discloses dynamic real-time capture and recording of accounting events using heuristics or other rule-based methods to programmatically modify the filtering database by for example creating and/or modifying entries in the URL filtering database using the user's actual, browsing history such that search request results or other links are congruent with the user's other URL link filtering patterns. Since, in order for an ISP to use the user's filtering criteria to tailor an access package for the specific user, the filtering rules would need to capture and record accounting events such as charges/prices for the different packages of media accessed and in the embodiment as disclosed in Para. [0034] dynamically, Zhu discloses capturing and recording accounting events dynamically and in real-time in a mobile device).

Therefore, a PHOSITA at the time of the invention would have found it obvious to modify the system of providing subscriber access control and subscriber account information in a mobile device SIM/USIM controlled by a service provider (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39) as taught by Lu using a system that enables an ISP to use subscriber's filtering criteria to tailor an access package for this specific user based on filter rules installed in a mobile (Zhu, Para. [0018-0020], and Para. [0030]) as taught by Zhu from the combined teachings of Lu and Zhu as a whole.

A reasonable and rational motivation would be to successfully derive a system that enables flexible, self-administering filtering scheme to managing users (Zhu, [0011]).

The combination of Lu and Zhu as a whole does not explicitly disclose:  
includes an applet in the USIM.

However, Hamalainen discloses:  
includes an applet in the USIM (Hamalainen, Para.[0006] and Para.[0008] discloses programming a SIM/USIM using Java applets on SIM/USIM card such as banking application and other security applications)

Therefore, a PHOSITA at the time of the invention would have found it obvious to modify the system of providing subscriber access control and subscriber account information in a mobile device SIM/USIM controlled by a service provider (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39) using a system that enables an ISP to use subscriber's filtering criteria to tailor an access package for this specific user based on filter rules installed in a mobile (Zhu, Para. [0018-0020], and Para.[0030]) as taught by the combination of Lu and Zhu as a whole using a system that utilizes interoperable Java applet applications on SIM card of mobile terminal (Hamalainen, Para. [0008]) as taught by Hamalainen from the combined teachings of Lu, Zhu and Hamalainen as a whole.

A reasonable and rational motivation would be to successfully derive a system that facilitates security of SIM card applications on mobile terminal (Hamalainen, Para. [0005]).

**As per Claim 13**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

wherein the removable circuit card is programmed to selectively control access to the open Internet (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39; identifiers include



algorithms and a key to support authentication and encryption necessary to facilitate communication with the public network or private cellular network, thereby selectively controlling access to the internet).

**As per Claim 14**, the combination of Lu, Zhu, and Hamalainen as a whole further discloses:

the removable circuit card is programmed to process content identifiers for blocking access to open Internet content having certain predesignated content identifiers wherein the content identifiers are established by a proxy in association with the service provider (First, Lu, in Col. 8 Lines 20-25 and 55-58 discloses USIM card which is representative of the claimed removable circuit card. Further, Zhu in Para. [0029] discloses “managing user can additionally select from a predetermined set of link filters to be associated with each URL in the URL filtering database on a per user basis. As used herein, “link filters” comprise permissions for functions that either allow or deny access to a source of content such as the gateway 112 of online service provider and associated servers and/or transform or interpret data transferred from the source of content 102 for a browser. Lastly, Zhu in Para. [0018], Para. [0022] and Para. [0024]; “proxy.” Thus, the applied prior art as a whole discloses the claimed subject-matter.),

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lu in view of Zhu and further in view of Hamalainen and further in view of Arques et al. (PG PUB. No.: US 2004/0131083 A1, hereinafter referred to as “Arques”).

**As per Claim 12**, the combination of Lu, Zhu and Hamalainen as a whole discloses:

wherein accounting events are recorded as account information in the USIM and the account information can be dynamically updated as needed (Lu FIG. 1 and Col. 8 Lines 5-25, Col. 8 Lines 65 up to Col. 9 Lines 10. Here, since, the SIM-stored multiple different user profiles can be used for record or billing purposes, Lu discloses account information in the USIM. Also, Zhu, Para. [0018-0020], Para. [0030], and Para. [0034]. Since, in order for an ISP to use the user's filtering criteria to tailor an access package for the specific user, the filtering rules would need to capture and record accounting events such as charges/prices for the different packages of media accessed and in the embodiment as disclosed in Para. [0034] dynamically, Zhu discloses accounting events are recorded as account information in the mobile wireless device and the account information can be dynamically updated as needed. Thus, as a whole the combination of applied references as a whole discloses wherein accounting events are recorded as account information in the USIM and the account information can be dynamically updated as needed) and

The combination of Lu, Zhu, and Hamalainen as a whole does not explicitly disclose:  
Bearer Independent Protocol.

However, Arques discloses:

Bearer Independent Protocol (Additionally, Arques in Para. [0007-0008] discloses SIM-mobile equipment BIP protocol that facilitates the claimed subject-matter)

Therefore, a PHOSITA at the time of the invention would have found it obvious to modify the system of providing subscriber access control and subscriber account information in a mobile device SIM/USIM controlled by a service provider (Lu, Col. 8 Lines 5-25, Lines 45-57 and Col. 9 Lines 30-39) using a system that enables an ISP to use subscriber's filtering

criteria to tailor an access package for this specific user based on filter rules installed in a mobile (Zhu, Para. [0018-0020], and Para. [0030]) and a system that utilizes interoperable Java applet applications on SIM card of mobile terminal (Hamalainen, Para. [0008]) as taught by the combination of Lu, Zhu and Hamalainen as a whole using a system that utilizes Bearer Independent Protocol (Arques, Para. [0008]) as taught by Arques from the combined teachings of Lu, Zhu, Hamalainen and Arques as a whole.

A reasonable and rational motivation would be to successfully derive a system that is standardized and enables a SIM card to use the communication means of the mobile equipment ME whatever the communication technology used (Arques, Para. [0008]).

***Examiner's Note***

7. Examiner has cited particular paragraphs or columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner (See 37 CFR § 1.111 for guidelines). In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

**Conclusion**

8. Applicant's' amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunita Reddy whose telephone number is (571)270-5151. The examiner can normally be reached on Mondays through Fridays from 8:00 AM -5:00 PM EST with every first Friday of the bi-week off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Ashokkumar Patel can be reached on (571) 273-3972. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/SUNITA REDDY/

Examiner, Art Unit 2491

/Jeffrey D Popham/

Primary Examiner, Art Unit 2491